

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

8:14CR350

vs.

DANIEL GOYNES,

Defendant.

ORDER

This matter is before the court on the defendant's request for copies of his criminal docket sheet and plea agreement, including the statement of reasons (Filing No. 50). The defendant requests the copies be provided without cost to him because he is indigent. The defendant pleaded guilty and was sentenced, after which the court entered judgment on June 23, 2015. **See** Filing No. 46. The defendant filed a similar motion requesting copies on March 14, 2016, which motion was denied. **See** Filing Nos. 48 and 49. Other than these motions for copies, the defendant has no motions or cases pending before this court, and the defendant makes no showing as to why he needs these documents. Accordingly, without a pending appeal or some showing of need for the documents, the court is not inclined to order copies of documents made at government expense.

The defendant does not have the right to receive copies of documents at government expense, even if he has leave to proceed in forma pauperis. **See** 28 U.S.C. § 1915; *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980). An indigent defendant bringing a postconviction proceeding under 28 U.S.C. § 2255 may obtain a transcript without expense, if the court determines the motion is not frivolous and the transcript is necessary to decide the issue presented by the motion. **See** 28 U.S.C. § 753(f); **see also** *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a 28 U.S.C. § 2255 motion is premature).

Nevertheless, the defendant may pay for the copies he requested at the established rate of 50¢ per page. The defendant asks for a copy of his docket sheet, which is less than ten pages. Additionally, the defendant asks for a copy of his "Plea

agreement (including Statement of Reasons)." **See** Filing No. 50 - Motion. The plea agreement is seven pages. **See** Filing No. 40. The Statement of Reasons, which is not part of the plea agreement, is four pages, however the document is sealed and may not be copied without entry of an order by the presiding judge. **See** Filing No. 47. Under these circumstances,

IT IS ORDERED:

The defendant's request for copies at government expense (Filing No. 50) is denied.

Dated this 29th day of April, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge